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**MAILED**

**JUN 05 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Shirakawa, et al. : LETTER REGARDING PTA  
Application No. 10/780,774 :  
Filed: February 19, 2004 :  
Atty. Dkt. No.: 023971-0374 :

This letter is in response to the "*LETTER (UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE,*" filed January 21, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed December 16, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 422 days. Applicants indicate that the correct adjustment is 421 days. Applicants indicate that a response to the final Office action dated July 25, 2008 was submitted October 27, 2008, which results in a reduction of two days, rather than the one day accorded by the Office.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 421 days, as asserted by applicants.

At issue is the reduction in connection with the amendment filed October 27, 2008 in response to the final Office action mailed July 25, 2008. In accordance with 37 CFR 1.704(b), the adjustment of 509 days is properly reduced two days, rather than the one day reflected in the Determination of Patent Term Adjustment mailed December 16, 2008. The reduction commenced October 26, 2008, the day after the date that is three months after the date that the final Office action was mailed, and ended October 27, 2008, the date that a response thereto was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 421 days (adjustment totalling 509 less reductions totalling 88 days), as indicated by applicants.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown  
Petitions Attorney  
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculation

## PTA Calculations for Application: 10/780774

Application Filing Date:	02/19/2004	PTO Delay (PTO):	509
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	87
Post-Issue Petitions:	0	Total PTA (days):	421
PTO Delay Adjustment:	-1		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
73	06/05/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
64	12/16/2008	MAIL NOTICE OF ALLOWANCE			
63	12/15/2008	ISSUE REVISION COMPLETED			
62	12/15/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
61	12/15/2008	EXAMINER'S AMENDMENT COMMUNICATION			
60	12/15/2008	DOCUMENT VERIFICATION			
59	12/08/2008	NOTICE OF ALLOWABILITY			
55	11/22/2008	DATE FORWARDED TO EXAMINER			
54	10/26/2008	AMENDMENT AFTER FINAL REJECTION		1	51
53	10/23/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
52	10/21/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
51	07/25/2008	MAIL FINAL REJECTION (PTOL - 326)	82		48
50	07/21/2008	FINAL REJECTION			
49	05/10/2008	DATE FORWARDED TO EXAMINER			
48	01/04/2008	RESPONSE AFTER NON-FINAL ACTION		30	46
47	01/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
46	09/05/2007	MAIL NON-FINAL REJECTION			
45	09/04/2007	NON-FINAL REJECTION			
44	06/23/2007	DATE FORWARDED TO EXAMINER			
43	06/06/2007	RESPONSE AFTER NON-FINAL ACTION			
42	03/06/2007	MAIL NON-FINAL REJECTION			
41	03/05/2007	NON-FINAL REJECTION			
40	03/05/2007	DATE FORWARDED TO EXAMINER			
		AMENDMENT SUBMITTED/ENTERED WITH			

39	02/22/2007	FILING OF CPA/RCE			
38	03/05/2007	DATE FORWARDED TO EXAMINER			
37	02/22/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		56	30
36	03/05/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
35	02/22/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
34	01/18/2007	MAIL ADVISORY ACTION (PTOL - 303)			
33	01/16/2007	ADVISORY ACTION (PTOL-303)			
32	01/12/2007	DATE FORWARDED TO EXAMINER			
31	12/28/2006	AMENDMENT AFTER FINAL REJECTION			
30	09/28/2006	MAIL FINAL REJECTION (PTOL - 326)			
29	09/26/2006	FINAL REJECTION			
28	09/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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26	09/19/2006	RESPONSE AFTER NON-FINAL ACTION			
25	09/06/2006	REFERENCE CAPTURE ON IDS			
24.7	09/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	09/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	06/20/2006	MAIL NON-FINAL REJECTION	427		-1
22	06/12/2006	NON-FINAL REJECTION			
21	02/01/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
20	04/27/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	02/19/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18.7	02/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	02/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	04/27/2005	REFERENCE CAPTURE ON IDS			
16.7	04/27/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	04/27/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	09/21/2004	CASE DOCKETED TO EXAMINER IN GAU			

14	05/28/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	05/28/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	02/19/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	02/19/2004	REFERENCE CAPTURE ON IDS			
10.7	02/19/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	02/19/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	05/12/2004	APPLICATION RETURN FROM OIPE			
8	05/13/2004	APPLICATION IS NOW COMPLETE			
7	05/12/2004	APPLICATION RETURN TO OIPE			
6	05/11/2004	APPLICATION DISPATCHED FROM OIPE			
5	05/12/2004	APPLICATION IS NOW COMPLETE			
4	03/24/2004	CLEARED BY OIPE CSR			
3	03/24/2004	CASE CLASSIFIED BY OIPE			
2	03/07/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
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#### **EXPLANATION OF PTA CALCULATION**

#### **EXPLANATION OF PTE CALCULATION**

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